

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

U.S. COURTHOUSE
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Albany, New York 12207
518-257-1700
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PAUL W. DEFELICE
CHIEF PROBATION OFFICER

JAN 27 2006

UNITED STATES OF AMERICA

-v-

DECLARATION
1:05-CR-418-001

Keith Helm

NORTHERN DISTRICT OF NEW YORK

Kenneth A. Ivey declares that he is a United States Probation Officer and that:

On September 28, 2005, the defendant appeared before Your Honor, pled guilty to Conspiracy to Defraud the United States and was ordered released to Pretrial Services supervision. Special conditions include maintaining or actively seeking employment; restricting travel to the Northern District of New York; remaining at an authorized address as approved by Pretrial Services or the Court; submitting to a mental health evaluation and/or treatment as approved by Pretrial Services or the Court; refraining from any use of alcohol; refraining from any use or unlawful possession of a narcotic drug and other controlled substances unless prescribed by a licensed medical practitioner; submitting to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, and/or a remote alcohol testing system; participating in and successfully completing a program of inpatient or outpatient substance abuse therapy and counseling approved by Pretrial Services or the Court; reporting within 72 hours, to Pretrial Services or the Court any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

It is the recommendation of the U.S. Probation Office that a warrant be issued for the defendant's failure to comply with his conditions of release based on the following:

<u>Condition Number</u>	<u>Nature of Noncompliance</u>
(1)	The defendant shall refrain from any use or unlawful possession of a narcotic drug and other controlled substances unless prescribed by a licensed physician.

On November 28, 2005, Helm, who is in this office's random drug testing program, submitted urinalysis that tested presumptively positive for cocaine. He admitted use of that substance.

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On December 22, 2005, Helm submitted urinalysis that tested presumptively positive for cocaine. He admitted use of that substance, however, did not submit enough urinalysis for the sample to be sent out for laboratory analysis. Helm advised us that he last used cocaine on December 8, 2005. He signed documentation indicating the same.

Evidence in support of these charges include documentation from the Probation Office's random drug testing program and this officer's testimony.

- (2) **The defendant shall submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, and/or a remote alcohol testing system.**

On November 17, 2005, Helm failed to report for urinalysis testing as scheduled. On November 18, 2005, Helm was directed to report for make up test. He failed to comply with that directive.

On January 10, 2006, Helm completed a substance abuse intake evaluation at the Albany Citizens Council on Alcoholism and was placed into substance abuse treatment. On that same date, Helm submitted urinalysis that tested positive for cocaine.

On January 11, 2006, Helm reported to the office and failed to submit urinalysis as directed. Instead, he admitted that his urine sample would test positive for cocaine because he last used the substance on January 7, 2006. He signed documentation indicating the same.

On January 12, 2006, Helm was directed to report for a make up test. He failed to comply with that directive.

Evidence in support of these charges includes documentation from the Probation Office's random drug testing program, the Albany Citizens Council on Alcoholism and this officer's testimony.

- (3) **The defendant shall refrain from any use of alcohol.**

On January 10, 2006, Helm submitted to a breath test at the Albany Citizens Council on Alcoholism.. Results indicated a .10 (BAC). Evidence in support of this charge includes documentation from the Albany Citizens Council on Alcoholism.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Approved by:

Christine M. Connolly
Christine M. Connolly
Supervising U.S. Probation Officer

Kenneth A. Ivey
Kenneth A. Ivey
United States Probation Officer
Date: January 19, 2006

THE COURT ORDERS

- No Action
 The Issuance of a Warrant
 The Issuance of a Summons
 Other

This declaration warrant and all documents attached hereto are **SEALED** until such time as the warrant generated by this declaration is returned executed.

The District Court Clerk's Office is hereby **ORDERED NOT** to serve a copy of this declaration or any of the attached documents upon anyone EXCEPT that a copy is to be served upon law enforcement personnel. Copies shall be served upon the unsealing of the declaration.

J. Scullin
Frederick J. Scullin, Jr.
CHIEF U.S. DISTRICT JUDGE
NORTHERN DISTRICT OF NEW YORK

1/30/06
DATE